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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,769	04/16/2004	James R. Anthony	2835-74916	8807
23643	7590	03/02/2006	EXAMINER MACARTHUR, VICTOR L	
BARNES & THORNBURG 11 SOUTH MERIDIAN INDIANAPOLIS, IN 46204			ART UNIT 3679	

DATE MAILED: 03/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/825,769

Applicant(s)

ANTHONY ET AL.

Examiner

Victor MacArthur

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3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/14/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 5,7,9,15-17,26,27,29 and 32-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6,8,10-14,18-25,28,30 and 31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/29/04, 10/4/04, 12/27/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Species II, as shown in figures 6-10, in the reply filed on 12/9/2005 is acknowledged.

Claims 5, 7, 9, 15-17, 26, 27, 29 and 32-40 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 12/9/2005.

Note that claims 15, 29 and 32-40 include, and are thereby drawn to, a non-elected species (e.g., a species having the shape of Shih Tzu).

Note that claims 16 and 17 include, and are thereby drawn to, a non-elected species (e.g., a species having the shape of a fictional character).

Note that claim 26 is drawn to a non-elected species (i.e., a species having a sound chip).

Note that claim 27 is drawn to a non-elected species (i.e., a species having an illumination device).

Claim Objections

Claims 4 and 8 are objected to because of the following informalities:

- The limitation "the proximate end" (line 2 of claim 4) lacks proper antecedent basis. Accordingly, claim 4 should be amended to depend from claim 3 rather than claim 2.
- The limitations "the proximate end" and "the distal end" (line 2 of claim 8) lack proper antecedent basis. Accordingly, claim 8 should be amended to depend from claim 3 rather than claim 1.

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Appropriate correction is required. For purposes of examining the instant invention, the examiner has assumed these corrections have been made.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6, 8, 10-14, 18-21, 23-25, 28, 30 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Putnam (U.S. Patent 731, 707).

Claim 1. Putnam discloses a coupling device for attaching to an anchor member, the coupling device comprising: a frame (13) having a distal end (right end of 13) defining a mouth (17) configured to receive the anchor member (32); a lever (18, 21) movably mounted to said frame and having an open position to allow the anchor member to be received within the mouth and a closed position to retain the anchor member within the mouth; a biasing member (20) urging the lever toward the closed position; and wherein the lever includes a manipulation portion (21) to move the lever to the open position.

Claim 2. Putnam discloses the coupling device of claim 1 wherein the lever pivots about a mounting member (pivot axle member mounting 18 to 13) provided on said frame moving between said closed position and said open position.

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Claim 3. Putnam discloses the coupling device of claim 2 wherein the lever has a distal end (19) that substantially covers the mouth in the closed position and a proximate end (left end of 21).

Claim 4. Putnam discloses the coupling device of claim 3 wherein the mounting member mounts the lever to the frame substantially toward the proximate end of the lever.

Claim 6. Putnam discloses the coupling device of claim 3 wherein the biasing member acts between the frame and the lever to urge the lever into the closed position.

Claim 8. Putnam discloses the coupling device of claim 1 wherein the biasing member acts between the frame and a point between the proximate end and the distal end of the lever to urge the lever into the closed position.

Claim 10. Putnam discloses the coupling device of claim 1 wherein the biasing member is a spring.

Claim 11. Putnam discloses that the coupling device of claim 1 further comprising a cover (14).

Claim 12. Putnam discloses the coupling device of claim 1 further comprising a cover (14) formed in a recognizable shape (shape of a head of a dog).

Claim 13. Putnam discloses the coupling device of claim 1 further comprising a cover formed in a recognizable shape resembling at least a portion of an animal's body (head of a dog).

Claim 14. Putnam discloses the coupling device of claim 1 further comprising a cover formed in a recognizable shape resembling an animal's head having a mouth (18) configured to receive the anchor member and having ears (sides of 12) configured to be gripped by a user.

Claim 18. Putnam discloses the coupling device of claim 1 further comprising an anchorage (10) carried by the frame.

Claim 19. Putnam discloses the coupling device of claim 18 wherein the anchorage is detachable (upon disassembly) from the coupling device.

Claim 20. Putnam discloses the coupling device of claim 18 wherein the anchorage is movable.

Claim 21. Putnam discloses the coupling device of claim 1 further comprising an anchorage (10) carried by the frame and an elongated member (11) coupled to the anchorage.

Claim 23. Putnam discloses the coupling device of claim 1 further comprising a cover (14), wherein the cover snaps onto the frame.

Claim 24. Putnam discloses the coupling device of claim 1 further comprising a cover (14), wherein the cover is attached to the frame by a fastener (15, 16).

Claim 25. Putnam discloses the coupling device of claim 1 further comprising a cover (14), wherein the frame and the cover comprise a unitary device.

Claim 28. Putnam discloses the coupling device of claim 1 further comprising a cover (14) formed in the shape of a head, at least a portion (outer portion of 14) of the head being configured to be gripped by a user.

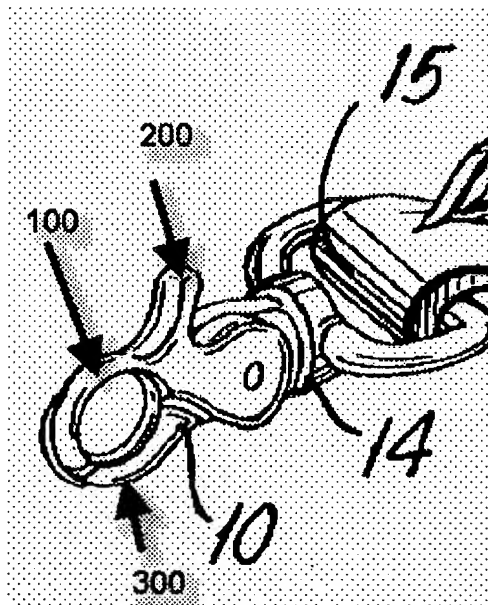
Claim 30. Putnam discloses the coupling device of claim 1 wherein the lever is **substantially** (but not completely) S-shaped.

Claim 31. Putnam discloses a coupling device for attaching to an anchor member, the coupling device comprising: a housing (13) formed to resemble the head of a mammal, the head including anatomically representative protrusions (protrusions of 13) and defining a mouth (17)

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configured to receive the anchor member (32); a lever (18) movably mounted relative to said housing and having an open position to allow the anchor member to be received within the mouth and a closed position to retain the anchor member within the mouth; a biasing member (20) urging the lever toward the closed position; and the lever including a direct manipulation portion (middle portion of 18) configured to move the lever between the closed position and the open position.

Claims 1, 21 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Hodgson (U.S. Patent 5,551,380) (see marked-up figure below).



Claim 1. Hodgson (figs.1-6) discloses a coupling device (10) for attaching to an anchor member, the coupling device comprising: a frame (300) having a distal end (left curved end of 300) defining a mouth (curved portion of 300) configured to receive the anchor member (ring described in col.1, ll.48-50); a lever (100) movably mounted to said frame and having an open

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position to allow the anchor member to be received within the mouth and a closed position to retain the anchor member within the mouth; a biasing member (spring described in col.2, ll.58-60) urging the lever toward the closed position; and wherein the lever includes a manipulation portion (200) to move the lever to the open position.

Claim 21. Hodgson discloses the coupling device of claim 1 further comprising an anchorage (14) carried by the frame and an elongated member (11) coupled to the anchorage.

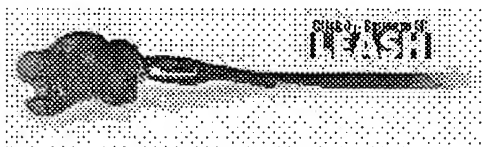
Claim 22. Hodgson discloses the coupling device of claim 21 wherein the elongated member is a leash (col. 2, ll.40-45).

Requirement for Information

Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

The examiner has found the image below, which appears to depict the applicant's invention as being publicly viewable at the following internet address:

- <http://lib1.store.vip.sc5.yahoo.com/lib/doolittlespetproduts/RedPetBuckleLeashThb.jpg>



The above-mentioned product was advertised for sale on the Internet at the following address:

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- <http://images.google.com/imgres?imgurl=http://lib1.store.vip.sc5.yahoo.com/lib/doolittlespetproduts/RedPetBuckleLeashThb.jpg&imgrefurl=http://shop.store.yahoo.com/doolittlespetproduts/pe4fo.html&h=71&w=240&sz=6&tbnid=5w2AcaKKbVGrpM:&tbnh=30&tbnw=104&hl=en&start=60&prev=/images%3Fq%3Ddog%2Bhead%2Bleash%26start%3D40%26svnum%3D10%26hl%3Den%26lr%3D%26rls%3DGGLD,GGLD:2004-30,GGLD:en%26sa%3DN>

The examiner is unable to determine the earliest date of advertisement since the product has subsequently been removed from the above web site.

In response to this requirement, please state the following:

- Please state whether or not the above-mentioned product is the applicant's invention.
- If the above-mentioned product is indeed the applicant's invention please state the date that the product was initially advertised or otherwise made known to the public.
- If the above-mentioned product is not the applicant's invention please state what knowledge, if any, the applicant has of the above-mentioned product.

This requirement is included with this Office Action. A complete reply to the Office action must include a complete reply to this requirement. The time period for reply to this requirement coincides with the time period for reply to the Office action.

Conclusion

This Office action includes a requirement for information under 37 CFR 1.105. A complete reply to this Office action must include a complete reply to the included requirement

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for information. The time period for reply to the included requirement coincides with the time period for reply to this Office action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Referring to coupling devices:

Clay U.S. Patent 816,218

Lyell U.S. Patent 5,878,698

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor MacArthur whose telephone number is (571) 272-7085. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.

VLM

VLM

February 13, 2006

Daniel P Stodola

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